

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

NETCHOICE, LLC,

Plaintiff,

v.

LYNN FITCH, in her official capacity as
Attorney General of Mississippi,

Defendant.

Civil Action No. 1:24-CV-00170-HSO-BWR

**JOINT MEMORANDUM BRIEF
IN SUPPORT OF MOTION TO STAY PROCEEDINGS**

Plaintiff (NetChoice, LLC) and Defendant (the Attorney General of Mississippi) respectfully move to stay all proceedings in this Court while Defendant’s appeal of this Court’s order preliminarily enjoining enforcement of Mississippi House Bill 1126 [ECF No. 30] is pending. A stay of proceedings would serve the interest of justice and would protect efficiencies of time and effort for the Court, for counsel, and for the Parties. If either the Fifth Circuit or U.S. Supreme Court stays, reverses, vacates, or otherwise alters any portion of this Court’s preliminary injunction, the Parties further request that this Court lift its stay to allow for further proceedings in this Court upon issuance of the Fifth Circuit’s appellate mandate. If either Party believes that lifting the stay is warranted for any other reason, the Party will so advise the district court.

The “power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Therefore, this Court has “broad discretion” to stay proceedings “in the interest of justice and in control of [its] docket[.]” *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 545 (5th Cir. 1983).

The Parties agree that a stay of proceedings is warranted here because “[t]here is no need

for this case to proceed *now*” in this Court while an appeal on the main legal issues is pending in the Fifth Circuit. *Alford v. Moulder*, 2016 WL 6088489, at *3 (S.D. Miss. Oct. 17, 2016) (emphasis added) (granting motion to stay proceedings). Moreover, a stay of proceedings is “in the interest of justice” because it will allow the Fifth Circuit to address the main constitutional issues before this case proceeds any further. *Wedgeworth*, 706 F.2d at 545. And a stay will preserve “‘economy of time and effort’” because it will prevent inefficiencies that would result from duplicative, dual-track litigation proceeding at the same time in both this Court and in the Fifth Circuit. *S. Indus. Contractors, LLC v. Neel-Schaffer, Inc.*, 2019 WL 1748531, at *2 (S.D. Miss. Apr. 18, 2019) (quoting *Landis*, 299 U.S. at 254).

Accordingly, the Parties respectfully request that the Joint Motion be granted.

Dated: July 19, 2024

s/Wilson D. Minor
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Respectfully submitted,

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